

REMARKS

This is in response to the Office Action dated Feb. 4, 2008. Claims 1-32 and 49-55

While applicant does not agree with the obviousness-type double patenting rejections, a terminal disclaimer has been filed herewith in order to render the same moot.

Claim 30 stands rejected under Section 112, first and second paragraphs. This rejection is respectfully traversed. The Office Action contends that the specification is not enabling for metals other than Zr. This is incorrect. Paragraph [0012] of the instant specification, for example, states that "the metal may be Zr, or any other suitable metal or metal alloy." Moreover, original claims 30 and 49 had no limitation as to Zr, and thus further confirms that the application is not limited to Zr in all embodiments. Thus, the specification makes clear that the invention is not limited to Zr in all embodiments. The Section 112 rejection of claim 30 should be withdrawn.

Likewise, the Section 112 rejection of claims 49 and 54 is flawed. The specification makes clear that the "layer to be phase-transformed" may comprise Zr nitride, "or any other suitable metal or metal alloy." E.g., see paragraph [0012] of the instant specification, which for example states that "the metal may be Zr, or any other suitable metal or metal alloy." Moreover, original claims 30, 49 and 54 in the specification as originally filed had no limitation as to Zr, and thus further confirms that the application is not limited to Zr in all embodiments. Thus, the specification makes clear that the invention is not limited to Zr in all embodiments, and that original claims 49 and 54 are proper. The Section 112 rejection of claims 30, 49 and 54 should be withdrawn.

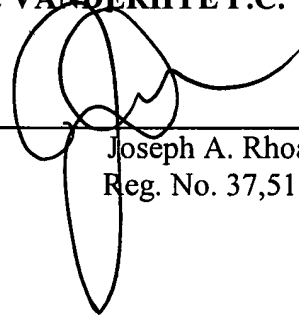
VEERASAMY
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No art rejections have been made. Thus, all claims are now in condition for allowance.
If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned
with regard to the same.

Respectfully submitted,

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By: _____

A handwritten signature in black ink, appearing to be 'Joseph A. Rhoa', written over a horizontal line.

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